



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MAX

Application No.: 10/19,691

Filed in the U.S.: January 3, 2002

Group: (Unknown)

Title: CONTROLLED COOLING OF  
INPUT WATER BY DISSOCIATION OF  
HYDRATE IN AN ARTIFICIALLY  
PRESSURIZED ASSISTED  
DESALINATION FRACTIONATION  
APPARATUS

Examiner: (Unknown)

RECEIVED  
JUL 22 2002  
TC 1700

\* \* \* \*

May 22, 2002

RESPONSE TO  
NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Hon. Commissioner of Patents  
Washington, D. C. 20231

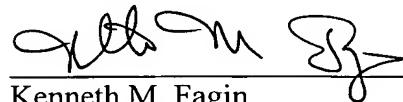
Sir:

In response to the Notification of Missing Requirements mailed May 7, 2002 (copy enclosed) in the patent Application identified above, attached is a copy of the Completion of filing National Phase of PCT Application dated February 11, 2002. Also attached is a copy of the Declaration filed therewith, and a copy of the Patent Office date-stamped receipt evidencing the filing on February 11, 2002 of the Completion, the Declaration, and the requisite fees including the \$65.

Should there be any issues remaining in this matter, the Patent Office is invited to contact the undersigned by telephone to resolve the same.

Respectfully submitted,

PILLSBURY WINTHROP LLP



Kenneth M. Fagin  
Reg. No. 37,615  
Phone: (703) 905-2066

KMF:mjb

1600 Tysons Boulevard  
McLean, VA 22102  
Tel. (703) 905.2000  
Fax: (703) 905.2500



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/019,691	Michael David Max	P 283222
INTERNATIONAL APPLICATION NO.		
PCT/US01/19920		
I.A. FILING DATE		PRIORITY DATE
06/25/2001		06/26/2000
CONFIRMATION NO. 1860		
371 FORMALITIES LETTER		
 *OC000000008031302*		

Date Mailed: 05/07/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

**RECEIVED**  
PILLSBURY WINTHROP LLP/VA

MAY 13 2002

CL 1884 MT# 283222  
 ATTY(S) JSM KMC  
 DUE: 7-7-02  
 DKT BY (1) CMS (2) OPR

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

**COPY**

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

CHRISTINE S WASHINGTON

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Telephone: (703) 305-3752

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,691	PCT/US01/19920	P 283222

FORM PCT/DO/EO/905 (371 Formalities Notice)

**RECEIPT FROM PTO FOR INDICATED ITEMS**

(Do NOT Use for New or Continuing Applications of Any Kind)  
 Use 2 postcards for all New Applns. (cont/Div/CIP, too)  
Use this sheet when filing CPA

Appln. No: 10/019,691	Atty: Kenneth M. Fagin/Goumis 4052B
First Inventor: MAX	Date: February 11, 2002
CONTROLLED COOLING OF INPUT WATER BY DISSOCIATION OF HYDRATE IN AN ARTIFICIALLY PRESSURIZED ASSISTED DESALINATION FRACTIONATION APPARATUS	Matter No: 283222  <b>COPY</b>  Client No: 18984

**ENCLOSED:**

Response/Amendment     Appendix     Cover Sheet     Cited/Listed Documents

Completion Request for R 53(f)/PCT Nat.

# No. of Pages Abstract

# No. of Pages Spec and Claims

# No. of Numbered Claims Only

# No. of Sheets of Drawings (Figs)   )

1 Set Formal     1 Set Informal     Cover Letter

Declaration    2 # of pages

Assignment     Cover Sheet

Small Entity Declaration

Extension Petition (PAT-111)

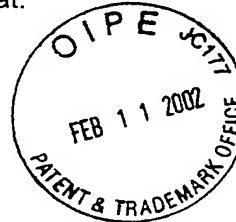
#    No. of Priority Documents

IDS Letter     Cited Appln(s)     Foreign Sch Rep/OA

PTO-1449     Cited Documents

Issue Fee Transmittal Form PTOL-85(b) + (c)

\$ 145 Fee (Check)



*RECEIVED  
JUL 22 2002  
TC 170*

OTHER: Completion of Filing National Phase of PCT Application;  
 Submission of Security Agreement and first Amendment thereto for Recordation; and  
 Cover Sheet therefor

Current DUE DATE: NONE

(Submit Single Copy Only)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMPLETION OF FILING NATIONAL PHASE OF PCT APPLICATION  
UNDER RULE 35 USC 371 AND 37 CFR 1.494(C) OR 1.495(C)

BOX PCT

**COMPLETION**  
For PCT Cases OnlyIn re PATENT APPLICATION of

Attn: Application Division

Inventor(s): MAX

Appln. No.: 10 | 019,691  
Series Code ↑ | Serial No. ↑Atty. Dkt. P 0283222 | 2388-012-PCT/US  
M# | Client Ref

National Phase Field

Based on PCT US01 | 19920  
↑ Country Code & Year

COPY

Title: CONTROLLED COOLING OF INPUT WATER BY  
DISSOCIATION OF HYDRATE IN AN ARTIFICIALLY  
PRESSURIZED ASSISTED DESALINATION FRACTIONATION  
APPARATUS

Date: February 11, 2002

FILING OF ITEM(S) LATE IN PCT/USA NATIONAL CASEAsst. Commissioner of Patents  
Washington, DC 20231

Sir:

The following completes the filing of the subject application under Rule 494(c)/495(c). Please accept the following attached items:

1. Missing Requirements Notice (PCT/DO/EO/905)  copy attached  not yet received
2.  Signed Declaration  Original  Facsimile/Copy  with spec/claims attached
3.  Translation of the International Application into English including:
  - a.  Request;
  - b.  Abstract
  - c. \_\_\_\_ pgs. Spec. and Claims;  Translation verification
  - e. \_\_\_\_ sheets Drawing which are:  informal  formal of size  A4  11"
4.  Copy of International Search Report (ISR) attached (\_\_\_\_ page(s))
  - a.  plus Annex of family members (\_\_\_\_ page(s))
5. Information Disclosure Statement including
  - a.  From PTO-1449 listing documents
  - b.  Copies of document(s) listed on Form PTO-1449
  - c.  A concise explanation of ISR references is given in the ISR
6.  Assignment and cover sheet. Please return the recorded assignment to the undersigned.
7.  Copy of Power to international application agent.
8. \_\_\_\_ (No.) Small Entity Statement(s) establishing "small entity" status under Rules 9 & 27.
9.  Formal Drawings: \_\_\_\_ sheet(s)  informal;  formal of size:  A4  11"
10.  Please immediately start national examination procedures (35 USC 371(f))

11.  Attached: Security Agreement and first Amendment thereto with Cover Sheet  
 12.  Preliminary Amendment:  
 13.  Basic U.S. National fee per Rule 492(a)(1)-(4) was previously timely filed.:  
 14. Calculation of remaining fees due (if any): based on amended claim(s) per above item  
 12 (above) or item(s) in PAT-112 (filed previously)       12       14       17       25

15. CLAIMS FEES     previously paid     paid herewith as follows:

# COPY

15A. Small Entity Statement     Herewith     Previously Filed

			Large/Small Entity		Fee Code
16. Total Effective Claims	15	minus 20 =	0	x \$18/\$9	+0
17. Independent Claims	2	minus 3 =	0	x \$84/\$42	+0
18. If any proper multiple dependent claim (ignore improper) is present,				\$280/\$140	+0
19. Filing Declaration late, fee paid <input type="checkbox"/> previously <input checked="" type="checkbox"/> now				\$130/\$65	+65
20.			SUBTOTAL	\$65	
21. Original due date:					
22. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached	(1 mo)	\$110/\$55 =	+0	115/215	
	(2mos)	\$400/\$200 =		116/216	
	(3mos)	\$920/\$460 =		117/217	
	(4mos)	\$1,440/\$720 =		118/218	
23. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .		\$130	+0	156	
24. If "assignment" box 6 is X'd, add recording fee. . . . .		\$40	+80	581	
25.		TOTAL FEE ENCLOSED =		\$145	

(Our Deposit Account No. 03-3975)

(Our Order No. 018984 | 0283222  
C# | M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

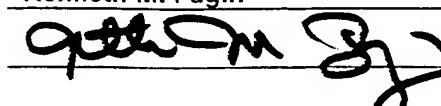
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP  
Intellectual Property Group

1600 Tysons Boulevard  
McLean, VA 22102  
Tel: (703) 905-2000

By Atty: Kenneth M. Fagin

Reg. No. 37,615

Sig: 

Fax: (703) 905-2500  
Tel: (703) 905-2066

KMF/emg

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments

FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED CONTROLLED COOLING OF INPUT WATER BY DISSOCIATION OF HYDRATE IN AN ARTIFICIALLY PRESSURIZED ASSISTED DESALINATION APPARATUS

**COPY**

the specification of which (CHECK applicable BOX(ES))

X A.  is attached hereto.  
BOX(ES) → B.  was filed on January 3, 2002 as U.S. Application No. 10/019,691  
→ C.  was filed as PCT International Application No. PCT/ US01/19920 on June 25, 2001

and (if applicable to U.S. or PCT application) was amended on January 3, 2002

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)	Date first Laid-open or Published	Date Patented or Granted	Priority NOT Claimed
Number	Country	Day/MONTH/Year Filed	

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)	Status	Priority NOT Claimed
Application No. (series code/serial no.)	Day/MONTH/Year Filed	
60/214,262	26/JUNE/2000	pending, abandoned, patented
PCT/US01/19920	25/JUNE/2001	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, telephone number (703) 905-2000 (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 909 (see below label) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their Firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or an attorney of that Firm in writing to the contrary.

USE ONLY FOR  
PILLSBURY WINTHROP



00909

(1) INVENTOR'S SIGNATURE:

Date: 1 Feb 02

Name	MICHAEL	D.	MAX
// First		Middle Initial	Family Name
Residence	Washington	D.C.	USA
/ City		State/Foreign Country	Country of Citizenship
Mailing Address	2457 39th Place NW, Washington, D. C.		
(include Zip Code)	20007		

(2) INVENTOR'S SIGNATURE:

Date:

Name			
First		Middle Initial	Family Name
Residence			
City		State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

FOR ADDITIONAL INVENTORS see attached page.

See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. P

(M#)

**COPY**

**Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)**  
**PATENT AND TRADEMARK CASES - RULES OF PRACTICE**  
**DUTY OF DISCLOSURE**

(a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

**PATENT LAWS 35 U.S.C.**

**§102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§103. Condition for patentability; non-obvious subject matter**

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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\* Six months for Design Applications (35 U.S.C. 172).